

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Cynthia L. Owens
Respondent

Civil Citation No. 71816
1913 Queensway

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 24, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 102, Zoning Commissioner's Policy Manual (ZCPM), failure to comply with correction notice, failure to cease service garage activities, failure to remove all junk, trash, debris and materials on residential property zoned DR 5.5 known as 1913 Queensway, 21222.

On February 4, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ray Harmon issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: George Booker, Fiance of the property owner and, Ray Harmon, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 9, 2009 for removal of untagged/inoperative motor vehicles, cease service garage activities and, remove trash and debris from this residential property. This Citation was issued on February 4, 2010.

B. Code Enforcement Inspector Ray Harmon testified that he issued the Correction Notice after observing auto parts, automobile body parts including a hood and fenders, untagged vehicles, and junk, trash and debris at this residential property. He closed the case on January 9, 2010 after re-inspection found the items removed and the property in compliance. Another complaint was received, and inspection found car parts again at the property and junk, trash and debris at the property, and he issued this Citation.

C. Photographs in the file taken February 4, 2010 show multiple old tires, used wheels, car parts, and junk and debris. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Automotive service garages are not permitted in residential zones; a residential garage can only be used for the storage of private motor vehicles and cannot be used to repair or equip vehicles. BCZR Section 101.1, Section 1B01.1.

D. George Booker, the fiancé of Respondent, appeared at this Hearing and testified that the property was cleaned up and all items removed prior to this Hearing. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if re-inspection finds all violations corrected. Respondent is advised that if there are future violations, a Citation can be issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection finds all violations corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 5th day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.